

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIOBANY SERRANO LUNA,

Defendant.

CASE NO. CR19-173 RSM

ORDER CONTINUING STATUS
CONFERENCE

THIS COURT having considered the record in this matter, the parties' positions as stated in the status hearing held April 27, 2021, and the General Orders of the United States District Court for the Western District of Washington addressing measures to reduce the spread and health risks from COVID-19, incorporated herein by reference, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of COVID-19, it is not possible at this time to proceed with a jury trial.

2. Due to the conditions of the pandemic, the Court's most recent General Order continues most criminal jury trials through at least June 30, 2021. *See* General Order 04-21. The Court anticipates that this District will begin the process of resuming criminal jury trials on May 17, 2021. Although there is a significant backlog of criminal cases waiting to proceed to trial, this case would likely be prioritized for a trial date in June or July based on its age and the defendant's custody status.
3. On February 17, 2021, attorney Nicholas Marchi was appointed to represent Mr. Serrano Luna, replacing previously appointed counsel. The parties have reached a plea agreement in this case. With the defendant's agreement, Mr. Marchi has asked the Court to continue the status conference for three weeks before setting a new trial date. This continuance will allow Mr. Marchi necessary time to review the plea agreement with his client, and will allow the Court to avoid setting a trial date that would stricken upon the entry of a plea.
4. For the foregoing reasons, the Court finds that the failure to grant a continuance of the trial date in this case would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). The failure to grant a continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by continuing the status conference and trial in this case outweighs the best interest of the public and the defendant in a speedier trial.
5. The Court further finds that the defendant's entry of a guilty plea by videoconference cannot be further delayed without serious harm to the interests of justice. The defendant's case has been pending since October 9, 2019, and he has

1 been detained pending trial. If he chooses to enter a guilty plea, the interests of
2 justice demand that he be allowed to do so expeditiously. With in-person jury
3 trials resuming in this District, it remains important to limit the number of people
4 assembling in the courthouse at any given time. At this moment, it is unknown
5 when in-person guilty plea hearings will resume. Therefore, the Court has
6 continued to authorize remote guilty plea hearings via videoconference in
7 accordance with the CARES Act. *See* GO 06-21.
8

9 6. The Court incorporates its oral findings and conclusions as stated during the April
10 27 status conference.

11 IT IS THEREFORE ORDERED that the status conference is continued to May 25,
12 2021 at 10:00 am.

13 IT IS FURTHER ORDERED that the period time from April 22, 2021, up to and
14 including the new status conference date of May 25, 2021, shall be excludable time pursuant
15 to 18 U.S.C. § 3161.
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17 Dated this 10th day of May, 2021.
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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE

22 Presented by:

23 /s/ Jessica M. Manca
24 JESSICA M. MANCA
25 Assistant United States Attorney

26 /s/ Nicholas Marchi (per Email approval)
27 NICHOLAS MARCHI
28 Counsel for Liobany Serrano Luna